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10/537,591	06/06/2005	Theodoor Gertrudis Silvester Rijks	EPC-016	6387
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EXAMINER				
THOMAS, LUCY M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The Applicant argues that Zavracky does not teach or suggest that a hysteresis curve having a smaller width is fully located within the width of the hysteresis curve having a larger width. Examiner respectfully disagrees. In Column 7, lines 40-44, Zavracky discloses, "each successive micromechanical shunt element 140, 141, 142, 143, 144, 145, 146, 147 has a slightly higher closure threshold voltage determined mainly by the dimensions of the cantilever beam contained therein, " and in Column 7, line 65-Column 8, line 1, discloses, "This variation in length provides one of several ways to vary the threshold voltage of the shunt because longer cantilever beam require lower threshold voltages for closure, all other characteristics being equal." When all other characteristics being equal, higher threshold voltage for closure results in a wider hysteresis width or higher retention, and therefore, the hysteresis curve having a smaller width or smaller threshold voltage will be fully located within the width of the hysteresis curve having the larger width.

Regarding Applicant's arguments toward Miles and Sugahara combination, examiner agrees that Miles and Sugahara do not specifically disclose that the MEMS elements are designed such that the hysteresis curve having a smaller width is located fully within the width of the hysteresis curve having next larger width. In paragraph 22, lines 11-18, Miles teaches that the hysteresis width variations of MEMS elements can be caused by several factors, such as thickness of the layers, and resistance variations of the lines (see paragraph 22, lines 11-18), and it would be obvious to one of ordinary

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skill in the art to design MEMS elements to have the smaller width elements fully located within the width of the next-larger width.

/Stephen W Jackson/

Primary Examiner, Art Unit 2836